

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERMAN ALVIN TUCKER, JR.,

Plaintiff,

v.

RYAN EIKER, *et al.*,

Defendants.

CIVIL ACTION NO. 3:11-1599

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 31st day of August, 2012, upon review of the Magistrate Judge's Report and Recommendation (Doc. 31) for clear error or manifest injustice,¹ IT IS **HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 31) is **ADOPTED in its entirety**.
- (2) Plaintiff's official capacity, excessive force under the Fourteenth Amendment, falsification of the official police report, conspiracy, intentional infliction of emotional distress, official capacity punitive damages, and Eight Amendment deliberate indifference claims are **DISMISSED**.
- (3) The matter is **RECOMMITTED** to Magistrate Judge Carlson.



A. Richard Caputo
United States District Judge

¹ Plaintiff has previously been granted two extensions of time to file objections to the Report and Recommendation. (Docs. 33; 39.) The second extension directed Plaintiff to file written objections to the Report and Recommendation, if any, on or before July 26, 2012. (Doc. 39.) As over a month has passed since the deadline to file objections without a request from Plaintiff for a third extension, the Report and Recommendation is ripe for review.